



Agenda Date: 3/6/02  
Agenda Item: IIIA

**STATE OF NEW JERSEY**  
**Board of Public Utilities**  
*Two Gateway Center*  
*Newark, NJ 07102*

IN THE MATTER OF THE PETITION OF	)	<u>CABLE TELEVISION</u>
COMCAST CABLEVISION OF SOUTH	)	
JERSEY, INC. FOR A RENEWAL	)	
CERTIFICATE OF APPROVAL TO CONTINUE	)	<u>RENEWAL</u>
TO OPERATE AND MAINTAIN A CABLE	)	<u>CERTIFICATE OF APPROVAL</u>
TELEVISION SYSTEM IN AND FOR THE	)	
TOWNSHIP OF ALLOWAY, COUNTY OF	)	
SALEM, STATE OF NEW JERSEY	)	DOCKET NO. CE99080531

Stryker, Tams and Dill, Newark, New Jersey, by Dennis C. Linken, Esq., for the Petitioner.

Township Clerk, Township of Alloway, New Jersey, by Mary Lou Rutherford, for the Township.

BY THE BOARD:

On February 8, 1989, the Board granted Tri-County Cable Television Company ("Tri-County") a Certificate of Approval in Docket No. CE88101104, for the construction, operation and maintenance of a cable television system in the Township of Alloway ("Township"). On May 1, 1996, the Board approved the transfer of the Certificate of Approval for the Township from Tri-County to Lenfest Atlantic, Inc. ("Lenfest") in Docket No. CM95110598. On January 18, 2000, the Board approved the sale of Lenfest to Comcast Cable Communications, Inc. ("Comcast") in Docket No. CM99110855. On or about September 13, 2000, Lenfest formally changed its name to Comcast Cablevision of South Jersey, Inc. ("Petitioner"). Although the Certificate expired on February 8, 1999, the Petitioner and its predecessor were authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25.

The Petitioner's predecessor, Lenfest, filed an application for the renewal of its municipal consent with the Township on or about April 30, 1998, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. On June 10, 1999, after public hearing, the Township adopted a municipal ordinance granting renewal consent to the Petitioner's predecessor.

On August 11, 1999, pursuant to N.J.S.A. 48:5A-17(d), the Petitioner's predecessor filed with the Board for a Renewal Certificate of Approval for the Township. The Petitioner's predecessor alleged that the Township's actions in granting a renewal for only four years were arbitrary and capricious. The Township filed an answer to the petition on September 29, 1999.

Subsequently, the Petitioner's predecessor and the Township and, ultimately, the Petitioner and the Township, engaged in negotiations which culminated in the adoption of a municipal ordinance on November 8, 2001, granting renewal consent to the Petitioner for a term of 15 years from the date of this Certificate. The Petitioner indicated its acceptance of the ordinance

by letter dated November 26, 2001. On December 26, 2001, the Petitioner filed an amended petition for the Township.

The Board has reviewed the application for municipal consent, the petition and amended petition for a Renewal Certificate of Approval and the municipal consent ordinance and amended municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Township reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is 15 years from the date of issuance of this Certificate. The Board finds this period to be of reasonable duration.
5. The Township may review the performance of the Petitioner with regard to the ordinance at its discretion. If the Township determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, the Township shall provide written notice to the Petitioner of such alleged instances of non-compliance and shall grant the Petitioner 90 days to cure such deficiency. The Township may petition the Board for appropriate administrative action, including revocation of the franchise or reduction of the franchise term, only after the 90-day opportunity to cure has passed and the deficiency has not been cured.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the office serving this provision is located at 1846 N.W. Boulevard in the City of Vineland.
9. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in

the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.

10. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate. The minimum homes per mile figure is 25. The Petitioner shall provide service to any resident at standard installation rates where the structure is within 200 feet of trunk and feeder cable lines, for both aerial and underground installations. The Petitioner shall provide a revised tariff indicating this agreement upon issuance of this Certificate.
11. The Petitioner shall provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner currently has one system wide community access channel for use by subscribers, organizations and entities served by the cable system.
12. Within 90 days of the approval of the ordinance, the Petitioner shall provide a technology grant in the amount of \$5,000.00 to be used for cable related needs, as the Township sees fit. The Petitioner has confirmed that the technology grant was provided to the Township.
13. Within 12 months of the date of issuance of this Certificate, the Petitioner shall provide the installation and Total Preferred cable service to one outlet, free of charge, to Alloway School. The Petitioner shall provide the installation and Total Preferred cable service to one outlet, free of charge, to the following Township facilities: a) the municipal building; b) the emergency management facility; and c) the fire department. The Borough or the school shall pay for each additional outlet installed, however, the Petitioner shall waive monthly service charges for additional outlets.
14. The Petitioner shall provide one hook-up of free basic Internet service, via high-speed cable modem, within six months of such service being available in the Township, to Alloway School and the Township's senior citizens facility.

Based upon these findings, the Board HEREBY CONCLUDES that, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has sufficient financial and technical capacity and meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire 15 years from the date of its issuance.

DATED: March 6, 2002

BOARD OF PUBLIC UTILITIES  
BY:

(signed)

JEANNE M. FOX  
PRESIDENT

(signed)

FREDERICK F. BUTLER  
COMMISSIONER

(signed)

CAROL J. MURPHY  
COMMISSIONER

(signed)

CONNIE O. HUGHES  
COMMISSIONER

ATTEST:

(signed)

HENRY M. OGDEN  
ACTING BOARD SECRETARY